



LAIDLAW WASTE SYSTEMS INC.

December 22, 1989

Site: <u>Westlake Landfill</u>
ID #: <u>MO D07990893</u>
Break: <u>1-8</u>
Other: <u>12-22-89</u>

0714

Mr. Larry Reed
Acting Director, Hazardous Site Evaluation Division
(Attention: NPL Staff)
Office of Emergency and Remedial Response
(OS-230)
United States Environmental Protection Agency
401 M Street, N.W.
Washington, D.C. 20460

Re: Comments to the Proposed Addition of "Westlake Landfill,
Bridgeton, Missouri" to the National Priorities List: 54 Fed.
Reg. 43778 (Oct. 26, 1989)

Dear Mr. Reed:

These comments are submitted by Scott I. Schreiber on behalf of Laidlaw Waste Systems ("Laidlaw"), to the United States Environmental Protection Agency's to address the proposal to place the "Westlake Landfill, Bridgeton, Missouri" site on the National Priorities List ("NFL") are submitted. See, 54 Fed. Reg. 43778 (Oct. 26, 1989). The comments are submitted for the following reasons:

- (1) to clarify Laidlaw's association with the "Westlake Landfill, Bridgeton, Missouri" NPL site (the "site").
- (2) to request that the name of this proposed site be changed to the "Rock Road Industries site" so as to more accurately reflect the location and nature of the U.S. EPA's concerns at the site. See e.g., 52 Fed. Reg. 27631 (July 22, 1987);
- (3) to emphasize the conclusion reached by studies commissioned by the United States Nuclear Regulatory Commission ("NRC") that the proposed site does not present an imminent and substantial endangerment to human health or the environment.



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SUPERFUND RECORDS

1. Factual Background

The name "Westlake Landfill" had at one time been used to describe a 200 acre waste disposal area in Bridgeton, Missouri. documents in the hazardous ranking system ("HRS") docket reveal that uranium ore processing residues and soil were placed in the "Westlake Landfill" by the Cotter Corporation in 1973. See, Radioactive Materials in the Westlake Landfill, U.S. Nuclear Regulatory Commission, June, 1988, p. 3. At the time of the disposal of the uranium waste, the operator of the site was the Westlake Landfill Inc., 13570 St. Charles Rock Road, Bridgeton, Missouri, Registered Agent, Mr. Francis Baldwin. Id., p. 3, 11.

In 1974, a new sanitary landfill was opened and continues to operate in the vicinity of the site. The new landfill was constructed with state of the art waste disposal technology and is protected from groundwater contact. The bottom of the new landfill is lined with clay and leachate collection systems have been installed. Id., p. 3.

In 1988, Laidlaw acquired this operational portion of the Westlake Landfill from the following parties: (1) John L. May, in his capacity as Archbishop of the Archdiocese of St. Louis; (2) the Shrine of St. Jude, an Illinois not-for-profit corporation; and (3) the Society for the Propagation of the Faith of the Archdiocese, a Missouri not-for-profit corporation, (collectively the "Sellers"). Although two areas denominated as Areas 1 and 2 have been identified as containing radiological material, Laidlaw did not acquire any interest whatsoever in Areas 1 and 2. Those areas are now largely owned by Rock Road Industries, Inc., in conjunction with certain religious and/or charitable not-for-profit institutions. Neither Laidlaw, nor any of its affiliated corporations have ever owned, or had any responsibility for, Areas 1 and 2.

The property currently operated by Laidlaw is, and always has been, an environmentally sound waste disposal operation. The HRS docket documents and previous studies of the area support this fact. Significantly, the HRS docket reveals:

- (1) The Summary Report "Radioactive Materials in the Westlake Landfill" prepared by the NRC in June 1988 (NRC Summary Report) states that the operating landfill is protected from groundwater contact. The landfill is lined with clay and leachate collection systems are utilized. NRC Summary Report, p. 3.

- (2) A recent hydrogeologic investigation of the site and its surroundings found that the current landfill operation was being conducted in a deep quarry constructed in bedrock formation. The landfill operation incorporates leachate collection, treatment and monitoring. Based on these findings, the investigation concluded that the operating landfill was not even an appropriate target for inquiry. Hydrogeologic Investigation, West Lake Landfill Primary Phase Report, October 1986, p. IN-1.

2. Name of Site

Areas 1 and 2 are owned by entities other than Laidlaw and its subsidiary corporations. The Laidlaw operations consist of Laidlaw Waste Systems (Bridgeton), Inc. which was formerly known as the Westlake Landfill, Inc. As a practical matter the Laidlaw Waste Systems operations are often referred to as "the Westlake Landfill." However, the former Westlake Landfill, Inc. does not own property or operate businesses at Areas 1 and 2. Therefore, denominating the proposed NPL site as the "Westlake Landfill" does not accurately describe the true areas of U.S. EPA's concern.

Confusion of an environmentally sound, properly operated solid waste disposal facility with the areas identified in U.S. EPA's HRS docket could be deleterious to Laidlaw and achieve no environmental policy objective. Therefore, since the areas identified in the HRS scoring and docket are owned by Rock Road Industries, Laidlaw joins with the comments submitted on behalf of Archbishop John L. May, the Roman Catholic Archbishop of the Archdiocese of St. Louis in the comments on re-naming this site. Laidlaw requests that the site, should the listing be promulgated as final, be under the name "Rock Road Industries."

3. HRS Scoring and Risk

Laidlaw also joins in, and incorporates herewith, the comments submitted on behalf of Archbishop May regarding scoring and risk relative to this proposed site. The HRS score inaccurately assigned certain elevated values to scoring parameters, thereby creating an HRS score slightly above 28.5. Further, the HRS docket documents reveal that the contaminants at the proposed site are essentially stable and do not pose an imminent or substantial endangerment to human health or the environment.

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Missouri Department of Natural Resources' investigations in the vicinity of the proposed site reveal minimal ground water use. MDNR Memorandum, June 30, 1989. Only one well is located within a one mile radius of the site, and the nearest drinking water well is 1.4 miles from the site. Nevertheless, the HRS for "ground water use" and "distance to nearest well." The maximum scores for ground water use and distance are not supported by the actual use of ground water in the vicinity. A reformulated HRS score of the site based on more realistic ground water use values would be less than the regulatory minimum score of 28.5.

This result is further mandated by the low level risk posed by the proposed site. The extensive NRC studies and investigation of the proposed site over the past several years reveal little or no immediate risk. The NRC has concluded that "there is no indication that significant quantities of contaminants are moving off-site at this time." NRC Radiological Survey of the Westlake Landfill, May 1982, p. 1 Abstract. Furthermore, off-site sampling conducted by the NRC investigation detected no exceedences of U.S. EPA standards. Id p. 16. Consequently, the NRC has consistently concluded that "the contamination (at the site) does not present an immediate health hazard..." NRC Site Characterization, 1989, p. ix.

In summary, Laidlaw respectfully requests that U.S. EPA take notice of the facts surrounding Laidlaw's association with the site, and rename the proposed site "Rock Road Industries" to more accurately reflect ownership of the site. Laidlaw further requests that U.S. EPA adopt a corrected rescoring of this site that will more accurately reflect the minimal threat the site poses.

Respectfully submitted,



Scott Schreiber,
Regional Engineer